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UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

ANZHEY BARANTSEVICH, an individual, Plaintiff, vs. VTB BANK, a Russian corporation, VTB CAPITAL AM formerly known as VTB BANK ASSET MANAGEMENT, a Russian corporation, VTB CAPITAL, a New York corporation, and BEAU CAMERON, an individual, Defendant(s).	CASE NO. 12 CV 08993 MMM/AJWx Assigned to: Judge Margaret M. Morrow **SUPPLEMENTAL DECLARATION OF LIN M. MEYER IN SUPPORT OF PLAINTIFF'S SURREPLY TO DEFENDANT VTB BANK'S MOTION TO DISMISS PLAINTIFF'S COMPLAINT; MEMORANDUM OF POINTS AND AUTHORITIES** **Date: April 1, 2013** **Time: 10:00 a.m.** **Courtroom: 780 [Roybal]**

SUPPELMENTAL DECLARATION OF LIN M. MEYER

I, Lin M. Meyer, supplementally declare as follows:

1. I am an attorney at law, duly licensed to practice before this Court and am counsel of record for Plaintiff Anzhey Barantsevich. I have personal knowledge of the facts attested to in this Declaration and if called upon to testify thereto, I could and would do so.

2. This Supplemental Declaration is filed in opposition to Defendant VTB

Bank's Motion to Dismiss Plaintiff's First Amended Complaint (Document No. 12) ("FAC").

3. Defendant VTB Bank contends in the arbitration of a dispute between Beau Cameron, Beau LLC and Anzhey Barantsevich that the Arbitrator, Judge Penkower, found that Plaintiff "stole" one million dollars and was not credible. Attached hereto as Exhibit A is Judge Penkower's ruling reflecting:

a. He did not make a finding of theft; rather, he merely recounted Beau Cameron's claims and found only that "Barantsevich breached his fiduciary duty to use reasonable care" in accounting. Ex. A, pp. 17-19;

b. He found Barantsevich's claims about the freeze out, if true to be compelling, but stated that he could not consider them because Anzhey Barantsevich had not filed a claim for affirmative relief in Arbitration. Ex. A, pp. 27- 28 and 32;

c. He found Baransevich's claim for setoffs of amounts Beau Cameron improperly charged to Beau Cameron, Inc. and Beau Labs had to be tried in Superior Court. Ex. A, p. 32;

d. He found Beau Cameron was entirely not credible on his testimony concerning and that Plaintiff was entitled to a one million dollar finder's fee award against Beau Cameron. Ex. A, p. 24.

e. He did not find in favor of Beau Cameron on issues of credibility in general. Ex. A, p. 10.

f. The Arbitrator found VTB Bank was a party to the joint venture. Ex. A, pp. 12-13.

4. After briefing and hearing the issue three times, on September 11, 2012, Superior Court Judge Richard Stone, in the Los Angeles Superior Court case of Cameron vs. Barantsevich, Case No. SC 107179 pending in Beverly Hills, ordered a stay of the judgment entered on Judge Penkower's award pursuant to CCP Section 918.5. A true copy of the Order is attached hereto as Exhibit B. CCP Section 918.5 only permits the Judge discretion to stay the judgment after considering:

"(1) The likelihood of the judgment debtor prevailing in the other action;

(2) The amount of the judgment of the judgment creditor as compared to the amount of the probable recovery of the judgment debtor in the action on the disputed claim;

(3) The financial ability of the judgment creditor to satisfy the judgment if a judgment is rendered against the judgment creditor in the action on the disputed claim."

5. After Judge Penkower issued his findings, Beau Cameron's attorney wrote an email to Judge Penkower specifically asking that he change his award to reference that Barantsevich "stole money." Judge Penkower wrote back that he refused to change his award to reflect that and concluded that issue was not even tried.

6. A true and correct copy of the deposition testimony of (hostile to Plaintiff witness) Alexandra Johnson regarding the funding of legal expenses for the Los Angeles Superior Court litigation is attached here to as Exhibit C.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on the 19th day of March, 2013, at Tarzana, California.

/s/ *Lin M. Meyer*
LIN M. MEYER